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Toshiba America Consumer Products, LLC,  
Toshiba America Information Systems, Inc.,  
and Toshiba America Electronic Components, Inc.*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(SAN FRANCISCO DIVISION)

IN RE: CATHODE RAY TUBE (CRT)  
ANTITRUST LITIGATION

Case No. 07-5944 SC  
MDL No. 1917

This Document Relates to:

*The Indirect Purchaser Action*

*Electrograph Systems, Inc. et al. v. Hitachi,  
Ltd. et al.*, No. 11-cv-01656;

*Best Buy Co., Inc., et al. v. Hitachi, Ltd., et  
al.*, No. 11-cv-05513;

*Sears, Roebuck and Co., et al. v. Chunghwa  
Picture Tubes, Ltd., et al.*, No. 11-cv-05514;

*Interbond Corporation of America v.  
Hitachi, et al.*, No. 11-cv-06275;

**DECLARATION OF SAMUEL J.  
SHARP IN SUPPORT OF THE  
TOSHIBA DEFENDANTS'  
ADMINISTRATIVE MOTION TO  
FILE DOCUMENTS UNDER SEAL  
PURSUANT TO CIVIL LOCAL  
RULES 7-11 AND 79-5(d)**

DECLARATION OF SAMUEL J. SHARP IN SUPPORT OF  
THE TOSHIBA DEFENDANTS' ADMINISTRATIVE MOTION TO  
FILE DOCUMENTS UNDER SEAL PURSUANT TO CIVIL LOCAL RULES 7-11 AND 79-5(d)

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1 *Office Depot, Inc. v. Hitachi, Ltd., et al.*,  
2 No.11-cv-06276;  
3 *CompuCom Systems, Inc. v. Hitachi, Ltd. et*  
4 *al.*, No. 11-cv-06396;  
5 *Costco Wholesale Corporation v. Hitachi,*  
6 *Ltd., et al.*, No. 11-cv-06397;  
7 *P.C. Richard & Son Long Island*  
8 *Corporation, et al. v. Hitachi, Ltd., et al.*,  
9 No. 12-cv-02648;  
10 *Schultze Agency Services, LLC v. Hitachi,*  
11 *Ltd., et al.*, No. 12-cv-02649;  
12 *Tech Data Corporation, et al. v. Hitachi,*  
13 *Ltd., et al.*, No. 13-cv-00157;  
14 *Sharp Electronics Corp., et al. v. Hitachi,*  
15 *Ltd., et al.*, No. 13-cv-01173.

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1 I, Samuel J. Sharp, hereby declare as follows:

2 1. I am an attorney with the law firm of White & Case LLP, attorneys for  
3 Defendants Toshiba Corporation, Toshiba America, Inc., Toshiba America Information  
4 Systems, Inc., Toshiba America Consumer Products, LLC, and Toshiba America Electronic  
5 Components, Inc. (collectively, the "Toshiba Defendants"). I make this declaration in  
6 support of the Toshiba Defendants' Administrative Motion to File Documents Under Seal  
7 Pursuant to Civil Local Rules 7-11 and 79-5(d) (the "Motion to Seal").

8 2. Except for those matters stated on information and belief, which I believe to be  
9 true, I have personal knowledge of the facts set forth herein and, if called upon, could and  
10 would competently testify thereto under oath.

11 3. On June 18, 2008, the Court approved a Stipulated Protective Order (Dkt. No.  
12 306) in this matter.

13 4. The Toshiba Defendants and other parties to this litigation have produced in  
14 this action certain documents and information designated as either "Confidential" or "Highly  
15 Confidential" pursuant to the Stipulated Protective Order.

16 5. On January 23, 2015, the Toshiba Defendants filed an administrative motion  
17 to seal the following documents attached to Supplemental Declaration of Lucius B. Lau In  
18 Support Of The Toshiba Defendants' Motion For Summary Judgment Concerning  
19 Withdrawal (the "Supplemental Lau Declaration"), pursuant to Civil Local Rules 7-11 and  
20 79-5(d):

- 21 a. Exhibit O, which is excerpts from the transcript of the Rule 30(b)(6)  
22 deposition of Toshiba Corporation (Koji Kurosawa), dated July 30, 2012,  
23 that the Toshiba Defendants have designated as "Highly Confidential"  
24 under the Stipulated Protective Order;
- 25 b. Exhibit P, which is excerpts from the transcript of the deposition of  
26 Hirokazu Nishiyama, dated July 17, 2012, that the Panasonic Defendants  
27 have designated as "Highly Confidential" under the Stipulated Protective  
28 Order;

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- c. Exhibit Q, which is excerpts from the transcript of the deposition of Tomoyuki Kawano, dated October 27, 2014, that the Toshiba Defendants have designated as “Highly Confidential” under the Stipulated Protective Order;
- d. Exhibit R, which is excerpts from the transcript of the Rule 30(b)(6) deposition of Toshiba Corporation (Mio Tamba), dated September 24, 2014, that the Toshiba Defendants have designated as “Highly Confidential” under the Stipulated Protective Order;
- e. Exhibit S, which is excerpts from the transcript of the Rule 30(b)(6) deposition of Toshiba America Electronic Components, Inc. (Jay Heinecke), dated July 31, 2012, that the Toshiba Defendants have designated as “Highly Confidential” under the Stipulated Protective Order;
- f. Exhibit T is excerpts from the transcript of the deposition of Norio Fujita, dated June 6, 2015, that the Toshiba Defendants have designated as “Highly Confidential” under the Stipulated Protective Order;
- g. Exhibit U is a copy of a certified translation of a document bearing the Bates numbers CHU00029175 through CHU00029178 that Chunghwa Picture Tubes, Ltd. has designated as “Confidential” under the Stipulated Protective Order;
- h. Exhibit V is excerpts from the transcript of the deposition of Sheng-Jen Yang, dated February 22, 2013, that Chunghwa Picture Tubes, Ltd. has designated as “Highly Confidential” under the Stipulated Protective Order;
- i. Exhibit W is a copy of a certified translation of a document bearing the Bates numbers TSB-CRT-00040784 through TSB-CRT-00040785 that Toshiba Corporation has designated as “Highly Confidential” under the Stipulated Protective Order;
- j. Exhibit X is a copy of a certified translation of a document bearing the Bates numbers TSB-CRT-00042994 through TSB-CRT-0004998 that

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1 Toshiba Corporation has designated as "Highly Confidential" under the  
2 Stipulated Protective Order.

3 6. Pursuant to Civil Local Rules 7-11 and 79-5(d), this Court's General Order  
4 No. 62, Electronic Filing of Documents Under Seal, effective May 10, 2010, and the  
5 Protective Order, Exhibits O, Q, R, S, T, W, and X to the Supplemental Lau Declaration  
6 should be maintained under seal.

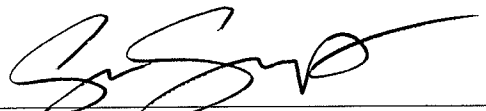
7 7. The materials listed in Paragraph 6 have been designated by one of the  
8 Toshiba Defendants as either "Confidential" or "Highly Confidential" pursuant to the  
9 Protective Order because they contain confidential, nonpublic, and highly sensitive business  
10 information. They contain confidential, non-public information about the Toshiba  
11 Defendants' sales practices, business and supply agreements, and competitive positions. The  
12 documents describe relationships with companies — including customers and vendors — that  
13 remain important to the Toshiba Defendants' competitive positions. Upon information and  
14 belief, publicly disclosing this sensitive information presents a risk of undermining the  
15 Toshiba Defendants' relationships, would cause harm with respect to the Toshiba  
16 Defendants' competitors and customers, and would put the Toshiba Defendants at a  
17 competitive disadvantage.

18 8. Under the Stipulated Protected Order, it is the burden of the parties  
19 designating Exhibits P, U, and V as "Confidential" or "Highly Confidential" to demonstrate  
20 that those materials should remain under seal.

21 9. Pursuant to Civil Local Rules 7-11 and 79-5(d), this Court's General Order  
22 No. 62, Electronic Filing of Documents Under Seal, effective May 10, 2010, and the  
23 Protective Order, the above-mentioned materials should be maintained under seal.

24 I declare under penalty of perjury under the laws of the United States of America that  
25 the foregoing is true and correct.

26 Executed this 23<sup>rd</sup> day of January, 2015, in Washington, D.C.

27   
28 Samuel J. Sharp

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**CERTIFICATE OF SERVICE**

On January 23, 2015, I caused a copy of "DECLARATION OF SAMUEL J. SHARP IN SUPPORT OF THE TOSHIBA DEFENDANTS' ADMINISTRATIVE MOTION TO FILE DOCUMENTS UNDER SEAL PURSUANT TO CIVIL LOCAL RULES 7-11 AND 79-5(d)" to be electronically filed via the Court's Electronic Case Filing System, which constitutes service in this action pursuant to the Court's order of September 29, 2008.

/s/ Lucius B. Lau

Lucius B. Lau

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